

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS DIVISION**

HILTON LLOYD KELLER,)	
)	
Plaintiff,)	
)	
-vs-)	No. 06-661-JPG
)	
ADRIAN FEINERMAN, M.D., and)	
DR. ELYEA,)	
)	
Defendants.)	

NOTICE

NOW COMES the Defendant, WILLARD ELYEA, by and through his attorney, Lisa Madigan, Attorney General for the State of Illinois, and states as follows:

1. In his Answer, Defendant Elyea raised the affirmative defense of Plaintiff's failure to exhaust his administrative remedies.
2. Following due consideration, Defendant Elyea informs the Court that he will not be pursuing a motion for summary judgment based upon the Plaintiff's failure to exhaust his administrative remedies.

Respectfully submitted,

WILLARD ELYEA, M.D.,

Defendant,

LISA MADIGAN, Attorney General,
State of Illinois,

Attorney for Defendant,

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Assistant Attorney General
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Springfield, IL 62706
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By s/ Jason P. Young
Jason P. Young, #6279522
Assistant Attorney General

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CERTIFICATE OF SERVICE

I hereby certify that on April 23, 2009, I electronically filed Defendant's Notice, with the Clerk of Court using the CM/ECF system, which will send notice electronically to the following:

Matthew A. Lurkins at mlurkins@heyloyster.com

and I hereby certify that on the same date, I mailed by United States Postal Service, the described document to the following non-registered participant:

Hilton Lloyd Keller, #B-33552
Menard Correctional Center
711 Kaskaskia Street
Menard, IL 62259

Respectfully submitted,

s/ Jason P. Young
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